NOVA SCOTIA
Human Rights Commission

2001/02 – 2002/03
Human Rights Commission
Annual Report

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About the cover: Nova Scotia's diversity is represented with a show of hands illustrating our province's rich mix of cultures.

105-05248/

To:

May It Please Your Honour:

I have the honour to submit herewith the Annual Report of the Nova Scotia Human Rights Commission for the fiscal years beginning April 1, 2001, to March 31, 2002, and April 1, 2002, to March 31, 2003.

Respectfully submitted,

The Honourable Michael G.Baker, Q.C.
Minister responsible for the Human Rights Act

The Honourable Michael G.Baker, Q.C.

To:

Sir:

I have the honour to present to you the Annual Report of the Nova Scotia Human Rights Commission for the fiscal years beginning April 1, 2001, to March 31, 2002, and April 1, 2002, to March 31, 2003.

Respectfully submitted,

Mayann E. Francis
Director & Chief Executive Officer
Nova Scotia Human Rights Commission

Mayann E. Francis

Staff of the NSHRC participate in a team-building exercise.

The Nova Scotia Human Rights Commission (NSHRC) is an independent government agency charged with administering Nova Scotia's Human Rights Act (Act), a provincial statute created in 1969. The NSHRC currently employs 22 people and has four offices: a central office in Halifax and regional offices in Sydney, Digby and New Glasgow.

Our mission is to reduce individual and systemic discrimination in support of a society characterized by equity. We value:

Respect and dignity, through words and actions in relation to all members of the public;

Diversity, recognizing everyone can contribute to our society;

Understanding, through education as a focal point for change;

Credibility, in being seen as independent and truly autonomous from government, and;

Integrity, in practicing what we preach and in serving as a model for government, other agencies and the private sector.

Under the authority of the Act, the NSHRC focuses on two core business functions:

- Resolving complaints of discrimination
- Public education and outreach.

The NSHRC seeks to engage Nova Scotians in an active dialogue about human rights issues to effect positive change and help build healthy communities that cherish the diversity of our province.

Staff 2001-2002

Director & Chief Executive Officer
Mayann Francis

Senior Managers
Francine Comeau - Coordinator of Investigation & Compliance
Viki Samuels - Coordinator of Race Relations & Affirmative Action
Michael Noonan - Special Assistant to the Director & CEO

Human Rights Officers
Herbert Desmond - Halifax
William Grant - Halifax
Lynn Hartley - Halifax
Roberta McGintee - Halifax
Marie Paturel - Halifax
Michael Lambert - Assistant to Investigation and Compliance - Halifax
Martin Schulze-Allen - Digby
Gordon Hayes - Sydney

Administrative Staff
Patricia Grosse - Executive Secretary (Halifax)
Lois Smith - Executive Secretary (Halifax)
Irma Farmer - Secretary (Halifax)
Beverly Bonvie - Secretary (New Glasgow)
Sandra Everett - Secretary (Digby)
Sally MacDonald - Secretary (Sydney)
Jennifer Downey - Records Clerk (Halifax)

Michael Noonan, Special Assistant to the Director and CEO

Staff of the NSHRC participate in a team-building exercise.

Staff 2002-2003

Director & Chief Executive Officer
Mayann Francis

Senior Managers
Francine Comeau - Coordinator of Investigation & Compliance
Viki Samuels - Coordinator of Race Relations & Affirmative Action, Acting Coordinator of Investigation & Compliance
Michael Noonan - Special Assistant to the Director & CEO

Human Rights Officers
Herbert Desmond - Halifax
William Grant - Halifax
Lynn Hartley - Halifax
Michael Lambert - Assistant to Investigation and Compliance - Halifax
Martin Schulze-Allen - Digby
Gordon Hayes - Sydney

Administrative Staff
Patricia Grosse - Executive Secretary (Halifax)
Lois Smith - Executive Secretary (Halifax)
Irma Farmer - Secretary (Halifax)
Beverly Bonvie - Secretary (New Glasgow)
Sandra Everett - Secretary (Digby)
Sally MacDonald - Secretary (Sydney)
Jennifer Downey - Records Clerk (Halifax)
Corinne Keffer - Acting Records Clerk (Halifax)

NSHRC Commissioners in action.

Commissioners of the NSHRC are appointed by the provincial government after receiving applications from the public to serve. Section 24 of the Human Rights Act gives the NSHRC and its commissioners their enforcement authority. In addition to making decisions on human rights complaints, the commissioners establish and review policies used to interpret the Human Rights Act.

Charles Keagan, North Sydney

Mr. Keagan worked for Marine Atlantic for 32 years. He was deputy mayor of North Sydney for three years and a town councillor for 16 years. Mr. Keagan is very active in community organizations. He has been president of the minor hockey and minor baseball associations in North Sydney. He has also been involved in the Royal Canadian Legion Br. 19 and Knights of Columbus 5109. In the mid-1990s he was an executive member of the Nova Scotia Pharmaceutical Board.

Delbert Muise, Church Point

Delbert Muise is a native of Yarmouth. He is married to Rose Ella Muise. A graduate of the Universite de Ste. Anne he was a teacher for 34 years. Mr. Muise was the founder of the Festival Acadien a Ste. Anne-du-Risseau. Since his retirement from teaching, he has remained active in many aspects of public life. He was appointed to the Nova Scotia Human Rights Commission in 2002.

James Dewar, Q.C., Wolfville (Chair)

Mr. Dewar was appointed chair of the NSHRC in April 1999. He is a graduate of Mount Allison University (BA, Political Science) and Queens University (Law). Since 1977 he has practiced law in the Annapolis Valley with an emphasis on dispute resolution including: mediation, trial work, and municipal law. Mr. Dewar is active in his community with an interest in working with senior citizens and persons with special needs.

Karen Durnford, Lunenburg

Karen Durnford was born in Newfoundland in 1964. She joined the Canadian Armed Forces in 1981 where she received a Bachelor of Engineering from the Royal Military College in 1986. During her career as a Military Engineer she spent six months in Pakistan on a UN mission under the auspices of UNHCR. The mission was to educate Afghan refugees about mines prior to their return to Afghanistan. After 14 years Ms. Durnford retired from the military in 1994. After her military career Ms. Durnford went back to university and received a Masters Degree of Science (Engineering). She started her own consulting firm on the South Shore of Nova Scotia in 1997. She has been involved in the Human Rights Commission since 2001.

Kumar Uberoi, Springhill

Mr. Uberoi has been teaching for over 35 years with postings in India, the United States, and Canada. He has spent the last 29 years teaching at the Nova Scotia Community College. He immigrated to Canada in 1960. After retiring from his regular teaching job, he was asked by the Canadian Teachers Federation to train teachers in Nepal. Mr. Uberoi served on Springhill Town Council for three terms and was elected deputy mayor three times. He is the past-president of the Community College Teachers Association and has served on the local hospital board, mental health board, and Red Cross board. He has a number of degrees, including a bachelor of arts, bachelor of teaching, master of arts, master of education, and a certificate of advanced studies.

Lance Hale, Halifax

Mr. Hale was appointed a Commissioner in 2002. He retired from the Province of Nova Scotia in 1999, having served in senior positions in the Department of Development. From 1969-1974, he was a Human Rights Officer with the Commission. He holds a Bachelor of Commerce degree from Dalhousie University. Mr. Hale lives with his wife, Carol, in Kentville, in the Annapolis Valley. He has a son and daughter, who both reside in Ontario, and is the proud grandfather of two.

Lou Gannon, Halifax

Mr. Gannon was the first African Nova Scotian executive director of the Better Business Bureau of the Maritime Provinces. He served as executive director from 1996 until 2002. He was also the first African Canadian appointed as the CEO of a Canadian YMCA in March 1988 and was employed with the YMCA for 27 years. He has a degree in physical education from Dalhousie University. He has earned numerous awards for his community involvement. Mr. Gannon sits as a committee member for the Black Educators Association, the African Nova Scotian Music Awards, the Racism and the Black World Response Society, the Advisory Committee of the African Canadian Employment Clinic, and a committee for Community Policing on Telephone Fraud.

Mayann Francis, Halifax

Ms. Francis has been the NSHRC's director and chief executive officer since August 1999. She previously served as an assistant deputy minister at the Ontario Women's Directorate and for the Ontario Ministry of Housing and Municipal Affairs and was Dalhousie University's first employment equity officer. She is a past member of the national board for the United Way/Centraide Canada, the Mascoll Foundation, and other community initiatives both in Canada and abroad. In 2000, she received a Harry Jerome Award recognizing her excellence in management and leadership in a professional role. She was ombudsman for the Province of Nova Scotia from December 2000 until December 2003, the first woman to be appointed to that role.

Narayana Swamy, Mcom, RPA, Halifax

Mr. Swamy served as President of the Indo Canadian Association from 1986-1987, at which time he received a Federal Government Award for the Association's Canada Day Festival. An active citizen in the multicultural community, Mr. Swamy is also one of the founding members of the South India Cultural Association of the Maritimes, and of the Nova Scotia Multicultural Festival. He is one of the founding members of the Multicultural Business Advisory committee to the Federal Government, in association with the Federal Business Development Bank and served on this committee from 1985 to 1993. Mr. Swamy is also and active member of the Vedanta Ashram Society (Hindu Temple), and helped in the society's initiatives to provide food at Hope Cottage. Always an equal opportunity employer, Mr. Swamy's company Atlantic Bookkeeping Services Ltd. has hired and provided work experience for students of Dartmouth Vocational College and Dalhousie University on co-op programs, as well as hiring and teaching necessary workplace skills to many struggling to find employment due to disability or socio-economic reasons. He was appointed to the Nova Scotia Human Rights Commission of Nova Scotia in July 2002 for a three-year term.

Commissioners Lance Hale and Marian Millet consult during a meeting.

Sister Dorothy Moore, Halifax
Sister Dorothy Moore is Mikmaq and has been employed with the Department of Education since 1995 as a Mikmaq education consultant and as an acting director of the Mikmaq Services Division. For 22 years she taught in various schools in Nova Scotia (with the exception of three years in Alberta). In 1980, she became principal of the Eskasoni Elementary and Junior High School. From 1985 to 1995, Sister Moore held posts at the University College of Cape Breton as native education co-ordinator, native studies counselor, advisor, and lecturer. She has received numerous awards. Sister Dorothy Moore is currently a member of the Canadian Bible Society Board, the Institute for Early Childhood Education and Development Services, and the Council on Reconciliation for Canadian Conference of Catholic Bishops (Ottawa).

Ted Morrison, Glace Bay
Mr. Morrison has been a teacher for 34 years, 24 in physical education. Mr. Morrison has a missing hand, which he believes has contributed to the formation of his character. He is the technology coordinator at St. Michael Junior High. He was the former vice chair for the Disabled Persons Commission and sat on the Department of Education Committee on Assistive Technology and on an interim reference committee with Employable Assistance for Persons with Disabilities (EAPD). He attended Nova Scotia Teachers College, Xavier College, University of New Brunswick, the University College of Cape Breton (UCCB), and Merrill Palmer Institute in Detroit. He is the recipient of two awards: Educational Leadership Award from the Center for Leadership Development and an Award for Excellence in Computer Technology Teaching presented by the Entrepreneurship Education Program of UCCB.

The following people are also NSHRC Commissioners:

Beverly Johnson, Dartmouth

Rima Majaess, Halifax

Ron Dawson, Halifax

Marian Millett, Kentville

Mayann Francis, NSHRC, Director and CEO

Moving Forward with Human Rights in Nova Scotia

When I assumed the role of Director and Chief Executive Officer in August 1999, I carried with me a vision which saw Nova Scotia becoming a centre of excellence in human rights. I wanted my home province to be a positive example of human rights in practice and a place where people from all over the world would come to study and dialogue about human rights issues. During the 2001-02 and 2002-03 fiscal years, a number of initiatives have been undertaken to advance this vision.

For the Nova Scotia Human Rights Commission (NSHRC) to play a prominent role in achieving my vision, change and evolution was needed within the organization. Immediate challenges were:

1. Developing a strategic vision to carry the NSHRC into the 21st century.
2. Expediting the processing of new cases.
3. Clearing the backlog of older cases.
4. Rebuilding a strong management team.
5. Promoting the principles of respect, transparency and fairness in the conduct of NSHRC business.

Creating change takes time and commitment at all levels of an organization. During the 2001-02 and 2002-03 fiscal years, staff and management of the NSHRC have been involved with an intensive process of organizational review in two phases. For the first time in its more than 30 year history, the NSHRC has taken the time to examine its roles and responsibilities and look at ways to improve the quality and effectiveness of the work we do in Nova Scotia.

Working with management consultants at Grant Thornton in phase two, the NSHRC built on the feedback received from the public in the first phase of its organizational review to examine approaches to change. Options were developed which promote change through more efficient and effective service delivery to the public while staying within the current budget and human resources at our disposal. In their report, Grant Thornton recommended the NSHRC focus on the following means to improve its service delivery:

- streamline the complaint process to reduce the amount of time to process complaints;
- emphasize settlement initiatives (i.e., mediation) earlier and more often;
- use technology to improve case management; and
- make staff and management more accountable for their actions.

Grant Thornton's report was released to the public on December 12, 2002 and is available on our website at http://gov.ns.ca/humanrights/. During the 2003-04 fiscal year, implementing Grant Thornton's recommendations will continue under the guiding hand of a project

NSHRC Chair James Dewar is joined by Race Relations Coordinator Viki Samuels and NSHRC Legal Counsel Michael Wood.

manager. The recommendations from the organizational review will play an important part in business planning for the coming fiscal year.

Implementing change within the framework of the provincial public service poses a number of challenges. For example, the decision making process for recruitment initiatives takes time to complete with many approval stages involved. Finding qualified candidates with the skills and experience appropriate to work in a human rights commission also poses significant hurdles. I wish to express my thanks to staff of the NSHRC and to the general public for their patience during the implementation phase of the organizational review.

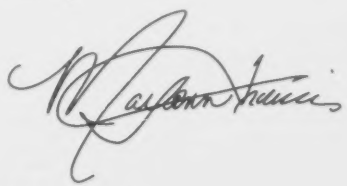
As the efficiency of the NSHRC's complaint process improves, more resources should become available to support the public education and outreach functions of the Race Relations and Affirmative Action Division. Investing in education and training represents a critical link in the NSHRC's efforts to counter discrimination in Nova Scotia. The work of the division continued to grow during 2001-02 and 2002-03, with requests for training and advice from private sector and public organizations on the upswing. Working through the Partners Against Racism Committee, annual events for Human Rights Day (December 10) and International Day for the Elimination of Racial Discrimination (March 21) have been well-received and attended. Future growth in demand for the services of this division is anticipated and will challenge the NSHRC to provide adequate resources in support of these vital activities.

The events of September 11, 2001 cast a long shadow over all Nova Scotians and the NSHRC quickly urged calm in the aftermath of the terrorist attacks in the United States. Out of this frightening event, a new and positive initiative to encourage hope took root at the NSHRC. On November 9, 2001, representatives from a diverse range of faith communities gathered in the early morning at Province House to help the NSHRC mark a Day of Reflection on the Spirit of Community. Her Honour Myra A. Freeman, Lieutenant Governor of Nova Scotia, read a proclamation which had been introduced in the provincial legislature the previous day. The assembled faith leaders were asked to share a short reflection on the spirit of community and to return to their communities and discuss the values of peace, harmony and respect. A follow-up event in November 2002, proclaimed a Day of Reflection on Peace, Hope and Community, once again brought together faith leaders at Province House. The overwhelming response to the Day of Reflection has led the NSHRC to make it an annual event each November.

Our annual forums continued during 2001-02 and 2002-03. In January 2001, a panel of past and present senators and a panel of business and community representatives looked at the question, "What is the future for human rights in Nova Scotia?" In February 2002, law enforcement, community and academic representatives discussed, "9/11: What does it mean for each of us?" The public continues to respond enthusiastically to these opportunities for dialogue on important human rights issues. Beginning in the 2003-04 fiscal year, our annual public forums will focus on a characteristic protected under the Nova Scotia Human Rights Act.

I want to extend my thanks to the staff, management and commissioners of the NSHRC who have supported me as the process of change has continued to unfold over the past two fiscal years. Working together I am confident that we will establish the NSHRC as a leader in its field and achieve my vision of our province becoming a centre of excellence in human rights.

Sincerely,



Mayann Francis,
NSHRC, Director and CEO

The NSHRC has been making great strides in advancing the Organizational Review initiated in May 2000. This multi-phased process will identify opportunities to enhance the effectiveness and efficiency of the NSHRC in serving the public to address human rights issues.

Phase I included researching and writing a discussion paper presenting issues and options for public comment by PRAXIS Research and Consulting Inc. This paper, *Moving Forward with Human Rights in Nova Scotia*, was used as background material for public consultations held in 10 locations around the province during April and May 2001. A total of 121 people participated including representatives from business and labour, lawyers, educators, students, community developers, heads of service organizations and public servants. Participation also included equity groups representing women, people with disabilities, Aboriginal people, and African Nova Scotians.

The *Final Report on the Public Consultations*, released June 5, 2001, is available on the NSHRC website. The report noted the strong expression of support for the important work conducted by the NSHRC and emphasized the need to improve the processing of complaints. Key themes for change included:

1. providing more appropriate 'up-front' advice,
2. streamlining the process to make it more timely and easier to understand,
3. expanding the use of alternative dispute resolution mechanisms; and
4. increasing the use of technology to support the complaint process.

Phase II focused on identifying a "conceptual organization design and process" to address the theme areas and developing a model for how the NSHRC would deliver its mandate. This design outlines significant changes including:

- improving inquiry and intake services
- enhancing services aimed at early resolution such as mediation
- implementing a computerized case management system to increase efficiency and accountability in the investigation of complaints.

The model also outlines strategies to improve consistency of decision-making, increase public education and augment the capacity to promote human rights.

As a first step, the report recommended the formation of a "Quick Wins" team to implement immediate improvements. As a result, changes have been underway including installing a TTY machine, improving signs for the front door and waiting areas of the NSHRC that include adding braille and voice activation, enhancing the filing system to comply with government standards, improving the website and phone system, and developing new educational brochures that will be translated into French.

A project manager will be hired in May 2003 to lead the implementation of the "*To Be HRC*" and to work with staff to continue to implement the recommended changes.

For updates on the organizational review, please continue to visit the NSHRC's web site at <http://gov.ns.ca/humanrights/.>

The Investigation Division conducts impartial investigations of complaints in an attempt to effect a settlement. A Board of Inquiry decides whether or not discrimination has occurred - not the NSHRC.

The division was led by Francine Comeau until December 2002. Vicki Samuels assumed the role of acting co-ordinator for the division in January 2003.

What follows is a description of the stages involved in the NSHRC's investigative process.

Inquiries

The NSHRC receives hundreds of telephone calls, correspondence and visits from people seeking advice on human rights issues that affect their lives. The inquiry stage represents most people's first, and sometimes only, contact with the NSHRC.

To enhance the quality of the public's first contact with the NSHRC, during the time covered by this report, the NSHRC trained and hired students to manage telephone inquiries and inquiries from people who came in off the street. The results of this project resulted in the hiring of a dedicated staff person to manage the inquiry stage. Previously this process was rotated among staff of the Investigation Division.

Many inquiries we receive relate to concerns and problems which do not fall under the *Nova Scotia Human Rights Act*. In these situations the staff person dealing with the inquiry attempts to refer the caller to an organization or agency more appropriate to the type of problem.

Previously, if the inquirer's problem came under the *Act* they were asked to send a written statement describing the events which gave rise to the complaint. Often these statements missed important information, so the NSHRC developed an Intake Questionnaire to capture as much information as possible relevant to the allegation. With the introduction of the Questionnaire, if it appears the concern does fall under the *Act*, the inquirer is asked to complete a Questionnaire.

It is not always possible to determine over the telephone if an inquiry comes under the *Act*. In these situations a Questionnaire is sent to the caller who is advised that once we receive all of their information it will be assessed. This might be done if someone believes they have been discriminated against because of a disability. Not all injuries or illnesses are considered disabilities under the *Act* and it may be necessary to ask a caller to send medical information along with the Intake Questionnaire so staff can determine if it comes under the *Act*.

Disposition of Complaints 2001-02*
Total Complaints: 114

Formal complaints: 113

Not pursued: 1

Disposition of Complaints 2002-03*
Total Complaints: 272

Formal complaints: 193

Not pursued: 48

Resolved: 31

** includes complaints carried over from previous years*

Complaints Received by Characteristic 2001-02
Total Complaints: 104

Complaints Received by Characteristic 2002-03
Total Complaints: 86

The ability to make an early assessment of a proposed complaint allows human rights officers to better assist people by either referring them to an appropriate agency, proposing that an attempt be made to resolve the potential complaint by the early intervention process, or by proceeding with a formal complaint.

Intake

In keeping with the NSHRC's role as an investigative body the content of the Intake Questionnaire is considered an allegation; that is, a statement which is yet to be proven.

If the contents of the Intake Questionnaire reveal that the problem is covered by the *Act* it is assessed to determine if there is enough information to form a complaint. If the information is not sufficient, the person is asked if there is any further information to be considered. If there is not, the allegation is not pursued.

Interventions

What is an intervention?

The NSHRC tries to resolve human rights matters before they become formal complaints. By examining the content of the Intake Questionnaire we may conclude that the complaint might be resolved before it becomes a formal complaint. Interventions are limited to matters falling under the *Act* which would likely proceed to a formal complaint if they were not resolved. Interventions are confidential and impartial and all parties must agree to the process.

We do not determine fault or assessment of the merits of a complaint in an intervention. If an agreement is made as the result of an intervention there will be no formal complaint and the proceedings end. If the intervention does not result in an agreement a formal complaint may be pursued.

Assessment Process

When a formal complaint is launched the initial stages of the process involves exchanging written information between the parties to the complaint. The first document is the formal complaint form that outlines the allegations and the complainant's belief that they have been discriminated against because of a characteristic protected by the *Act*. A copy of the complaint form is sent to the respondent. The respondent may be an individual, a business, an organization, an agency, or a government department. The respondent is asked to respond in writing to the allegations to "tell their side of the story." This information is sent to the complainant who may respond to that information and is referred to as a rebuttal.

Once these documents are exchanged NSHRC staff review and analyse the information and recommend next steps. Staff may recommend that the parties attempt to settle the complaint, conduct a full investigation, refer it to the Race Relations and Affirmative *Action* Division of the NSHRC, or that there is no basis to proceed further with the complaint. If they recommend not to proceed further, the complainant has the right to have this recommendation reviewed by the Human Rights Commissioners who are separate from, and independent of, NSHRC staff.

Investigation

An investigation may include interviewing, and taking statements from witnesses. It may include requisitioning and examining documents such as an organization's policies; job descriptions; an employee's performance appraisals and/or attendance records; records of interviews in connection with a particular job application. The nature and number of documents to be examined depends on the specific allegations.

Once the investigation is complete the evidence is summarised and analysed in a written report by the human rights officer conducting the investigation. Sometimes the officer may recommend next steps. The report is sent to the parties and each of them is invited to make a written submission.

The report and submissions are then considered by the Commissioners who determine what the next step should be. The Commissioners may recommend that the parties attempt to settle the complaint, they may refer it back to staff for further investigation, they may send it to a Board of Inquiry, or they may discontinue it. If they decide to discontinue, the complainant may ask them to reconsider.

Settlement/Resolution Process

The parties can resolve a complaint at any point in the process, including up to the start of a Board of Inquiry - the final stage in the process.

If a settlement is reached before a formal complaint is signed it does not have to be approved by the Commissioners. A settlement which has been reached after a formal complaint has been signed must be approved by the Commissioners.

Because the NSHRC does not make decisions regarding whether or not discrimination has occurred (that is the responsibility of a Board of Inquiry), a standard Settlement Agreement form includes a clause that the respondent does not admit breaching the *Act* and in fact denies breaching the *Act*. The Agreement is without prejudice and, unless the Agreement is reached after a Board of Inquiry is appointed, its terms are confidential and will include a clause that neither party will communicate, directly or indirectly, the terms of the settlement.

The Settlement Agreement form also requires the complainant to sign a Release. The Release is an acknowledgment by the complainant that the terms of the agreement are a full and final settlement of any claims as the result of the events giving rise to the complaint. As a general rule the Commissioners will not approve a Release in broader terms than the standard form.

The NSHRC will generally not approve a Settlement Agreement containing a confidentiality clause after a Board of Inquiry is appointed. Notwithstanding this general principle, the NSHRC may approve such a clause where the risk of disclosure of the terms of settlement outweighs the general public interest in disclosure.

What is found in a settlement agreement?

In addition to the standard "without prejudice" and confidentiality clauses, other clauses of the Agreement may include provisions for the payment of lost income, the payment of general damages for the act of discrimination, a letter of reference or a letter of apology. In some cases an organization may need to develop internal policies or hold training sessions for employees. These sessions are facilitated by qualified NSHRC staff.

Board of Inquiry

The term "Board of Inquiry" refers to a person or group of people appointed to conduct a hearing into a complaint of discrimination. Typically the Board consists of one person who conducts a public hearing, taking evidence from witnesses under oath or affirmation. The NSHRC is represented by its own legal counsel and the parties may choose to have legal representation. The Board may determine that discrimination has occurred and decide on a remedy. If a complaint is settled after a Board is appointed the Board reports the terms of settlement.

Appointing a Board of Inquiry is the final and public stage of a human rights complaint. The person who serves as the board chair is selected from a roster and nominated by the Chief Judge of the Provincial Court. That nomination is sent to the commissioners for appointment. If the matter is settled before the hearing commences only the settlement is referred to the Board of Inquiry chair for approval and is included in the final decision.

Once the Board of Inquiry hears evidence from both sides, the Board Chair decides if discrimination has occurred. The board may order appropriate damages or other remedies, similar to the terms of settlement that can be made during the other stages of the complaint process. The Board of Inquiry may also choose to discontinue the complaint. These decisions may be appealed to the Nova Scotia Court of Appeal if any party believes an error in law was made.

In the past two fiscal years, decisions were rendered by 18 Boards of Inquiry and/or Court decisions, in the following areas:

Procedure/ Jurisdiction/ Investigation/ Costs

James Cowan, Chair of the Board of Governors of Dalhousie University, Tom Traves, President of Dalhousie University and Dawn Russell, Dean of the Dalhousie Law Faculty and interested parties Vaughan Black, H. Archibald Kaiser, Dianne Pothier, The Attorney General of Nova Scotia, Wayne MacKay, Richard Devlin and Richard Evans, Dawn Russell, Dean of the Dalhousie Law Faculty v. Carol Aylward, the NSHRC et al

Supreme Court of Nova Scotia - Justice E. Scanlan costs awarded against the NSHRC

Date of Hearing - March 1, 2001
Date of Decision - April 2, 2001

This is a decision with respect to costs related to an Application by the applicants to quash a decision by the NSHRC to refer a complaint by Aylward, against the applicants and others, to the Ombudsman, and subsequently to the Ontario Human Rights Commission, for investigation. The Application was filed on October 27, 2000. On January 31, 2001, the

NSHRC conceded that it lacked jurisdiction to do this. The Court found that the NSHRC lacked jurisdiction at the hearing of March 1, 2001. The applicants sought costs on a solicitor/client basis. The NSHRC argued that costs should be awarded on a party and party basis. Aylward sought costs from the NSHRC also.

The Court found that the NSHRC's handling of the matter, while problematic, was not sufficiently egregious to warrant solicitor client costs. It awarded party and party costs of $30,000 to the applicants. It awarded costs of $5,000 jointly to interested parties Vaughan Black, Archibald Kaiser and Dianne Pothier, who are respondents to Aylward's complaint. It awarded costs of $1,000 jointly to interested parties A. Wayne MacKay and Richard Devlin, also respondents. It awarded costs of $1,000 to interested party Richard Evans, also a respondent. The Court declined to award costs to Aylward.

Retaliation/ Services and Facilities

Barry Marsman v. Chevy's Bar and Shawn Nicholson

Elaine Gibson, Chair
settled prior to hearing

Date of Complaint - October 1, 1997
Date of Decision - July 20, 2001

Marsman alleged that he was retaliated against by the respondents when he was barred from Chevy's Bar because of a previous complaint to the NSHRC. His previous complaint alleged that he had been discriminated against by the respondents because of his race.

Terms of Settlement

- sensitivity training for Nicholson and other Chevy's staff
- Chevy's to develop human rights policy
- $1500 general damages

Sex/ Employment

Martine Jacquot v. Université Sainte Anne and/or Jean Wilson and/or Ian Richmond

Phillip Girard - Chair
settled prior to hearing

Date of Complaint - February 1, 1997
Date of Decision - November 5, 2001

Jacquot alleged that she was discriminated against because of her sex.

Terms of Settlement - confidential

Procedure/ Political Affiliation/ Conflict of Interest/ Employment

H. Archibald Kaiser v. the Executive Council of Nova Scotia
preliminary motion
David J. MacDonald, Chair
preliminary motion denied

Date of Complaint - March 22, 1996
Date of Decision - November 12, 2001

Kaiser alleges that he was discriminated against because of his political affiliation in appointments to two Boards. This was a preliminary hearing on a motion by Kaiser and the NSHRC to have the lawyer for the Executive Council, Randall Duplak, Q.C., and all other lawyers employed by the Nova Scotia Department of Justice, removed from representing the Executive Council. The NSHRC and Kaiser argued that since Duplak in the past represented the NSHRC, it was a conflict for him to now be acting against it. They argued that since the complaint involves the Department of Justice and since present and/or former Department of Justice Lawyers may be called to testify, Duplak and all Department of Justice lawyers are in a conflict. They argued that since the Minister of Justice is also the minister responsible for the NSHRC, this creates further potential conflict which should lead the Executive Council to retain outside counsel.

The Board denied the motion and found that the hearing could proceed with Duplak representing the Executive Council. It found that Duplak ceased acting as the NSHRC's regular counsel before Kaiser made his complaint and that there was no evidence that he was privy to confidential information that should disqualify him. It found that if associates of Duplak are called the issues will be addressed at the hearing. It found that independent representation would not change the Minister of Justice's responsibilities with respect to the complaint, and there is no evidence that he will not carry these out appropriately.

National/ Ethnic Origin/ Employment, bias (appearance of)

Aleem Ibrahim v. Dartmouth Volkswagen

Burnley "Rocky" Jones - chair
Preliminary motion alleging a potential bias on the part of the chair of the inquiry.

Date of Complaint - November 9, 1998
Date of Decision - August 20, 2002

Ibrahim alleges that throughout his employment with Dartmouth Volkswagen, it discriminated against him because of his East Indian national and/or ethnic origin, and that his national and/or ethnic origin was a factor in Dartmouth Volkswagen dismissing him.

The Board rejected argument that his casual acquaintance with Ibrahim created an apprehension of bias. The Board Chair recused himself because the firm representing Dartmouth Volkswagen was representing him in an unrelated matter. A new Board Chair will be appointed.

Political Affiliation/ Employment

H. Archibald Kaiser v. the Executive Council of Nova Scotia

David J. MacDonald, Chair
settled at hearing

Date of Complaint - March 22, 1996
Date of Decision - January 31, 2002

Kaiser alleged that he was discriminated against because of his political affiliation in appointments to the Criminal Code Review Board and the Psychiatric Facilities Review Board.

Terms of Settlement

- The Respondent expresses regret to Kaiser for the way his application was handled. The Respondent and the NSHRC express regret for the length of time taken to investigate his complaint.
- $15,000 to the NSHRC for public education on the prohibited ground of political affiliation.
- $90,000 to the NSHRC over three years to be allocated as determined by the NSHRC in co-operation with the Nova Scotia Disabled Persons Commission for initiatives surrounding consumer education/advocacy on mental health issues.
- a process for appointments to Agencies, Boards and Commissions which includes the following features: qualifications and criteria for selection of candidates will be established and available to the public before candidates are sought; all vacancies will be advertised to ensure that fair notice is given to candidates to apply; advisory committees will recommend only qualified candidates for possible appointment; Executive Council will select from qualified candidates; the process will be open to public scrutiny.
- Candidates for quasi-judicial boards will be recommended by advisory committees that may conduct interviews.

- Advisory Committees for appointments to the Criminal Code Review Board and the Psychiatric Facilities Review Board will include representatives from mental health consumer groups if available.
- The Respondent will implement changes to the appointment process within one year of its approval.
- The commission, when filing its annual report with the provincial legislature, will make an oral presentation to government and opposition caucuses on the report that highlights trends and concerns in human rights.

Sex (Pregnancy)/ Family Status/ Disability/ Employment

Joyce MacLean v. Seagull Pewter and Silversmiths Ltd.

Richard L. Evans - chair
settled prior to hearing

Date of Complaint - April 16, 1999, amended April 4, 2000
Date of Decision - March 19, 2002

MacLean alleged that she was discriminated against by Seagull because of her sex (pregnancy), physical disability and family status when she was terminated by Seagull at the conclusion of a pregnancy leave.

Terms of Settlement
- $4,100 damages to MacLean

Sexual Harassment/ Employment

Theresa MacNeil v. Corridor Co-op and/or Adam Doyle

Richard S. Goodman, Q.C.
settled prior to hearing

Date of Complaint - March 2, 1999
Date of Decision - March 25, 2002

MacNeil alleged that she was sexually harassed by Doyle while employed at Corridor Co-op.

Terms of Settlement
- Complainant and Respondents acknowledge the occurrence of an incident, for which Doyle apologized and which Corridor dealt with appropriately when they learned of it.
- Complainant and NSHRC acknowledge that the above incident is unlikely to support a finding of discrimination and harassment. Complainant withdraws her complaint.

Disability/ Employment

Joan Welsh v. Recovery House Society, Gerry Hills and James Stewart

Peter M. Rogers, Chair
settled prior to hearing

Date of Complaint - February 20, 1998
Date of Report - April 16, 2002

Welsh alleged that the respondents failed to accommodate her disability, high blood pressure, by modifying her schedule.

Terms of Settlement:
- $1500 general damages

Physical Disability/ Services/ Duty to Accommodate

Albert Laing v. Liverpool Golf and Country Club Limited and Liverpool Golf Club

Peter D. Nathanson - Chair
settled prior to hearing

Date of Complaint - December 21, 2000
Date of Decision - April 22, 2002

Laing alleged that he was discriminated against because of his physical disability, a heart condition, because a Golf Club policy prevented the use of privately owned golf carts and stated that all cart users must rent a cart from the Club. Laing required a cart because of his physical disability.

Terms of Settlement:

- Laing to transfer his golf cart to the respondents.
- The respondents to provide Laing with free use of a golf cart for a three year period.

Race/ Colour/ Employment - Procedure/ Bias/ Jurisdiction

Carol Aylward v. the NSHRC, James Cowan, Chair of the Board of Governors of Dalhousie University, Tom Traves, President of Dalhousie University and Dawn Russell, Dean of the Dalhousie Law Faculty and interested parties Vaughan Black, H. Archibald Kaiser, Dianne Pothier, The Attorney General of Nova Scotia, Wayne MacKay, Richard Devlin and Richard Evans

Nova Scotia Court of Appeal - Glube,C.J.N.S.; Hallett and Freeman, JJ.A.
appeal dismissed with costs

Date of Hearing - April 3, 2002
Date of Decision - May 30, 2002

This is an Appeal of Decision 146, where the Supreme Court of Nova Scotia found that the NSHRC lacked jurisdiction to refer Aylward's complaint to the Ombudsman and quashed the NSHRC's decision to refer the complaint to the Ombudsman and the Ombudsman's decision to refer it to the Ontario Human Rights Commission.

The Court of Appeal upheld the Supreme Court decision, with costs to Cowan, Traves and Russell of $2,000 and costs to Pothier, Kaiser and Black of $750. It found that the NSHRC may have the power to authorize a person outside of the NSHRC to investigate a complaint, but not to refer the overall handling of the complaint to an outside person or agency. A Board of Inquiry can be appointed at any stage after the filing of a formal complaint to inquire into alleged discrimination.

Physical Disability/ Employment/ Duty to Accommodate/ Undue Hardship/ Damages

Robert Blanchard v. Labourers' International Union, Local 1115, Doug Serroul and Bernie MacMaster

Elizabeth Cusack, Q.C. - chair
complaint dismissed

Date of Complaint - October 2, 1998
Date of Decision - June 29, 2002

Blanchard alleged that the respondents discriminated against him because of his physical disability, multiple sclerosis, by failing to refer him to work at a construction site.

The Board found that the respondents had accommodated Blanchard to the point of undue hardship. Blanchard's disability reasonably precluded his performance of the duties he could have been referred to. Given safety issues in particular, further attempts to accommodate Blanchard would have been futile.

The Board commented that if it had found that Blanchard had been discriminated against, it would have ordered $8,000 for lost income and $15,000 in general damages, both with pre-judgement interest, partial payment of the complainant's legal costs and training for Union members.

Sex/ Employment

Margo Smith-LeBlanc v. Southwest Regional School Board

Susan Ashley - Chair
complaint upheld

Date of Complaint - June 29, 1999
Date of Decision - July 19, 2002

Smith LeBlanc alleged that she was unsuccessful in a competition for a vice principal position because of her sex.

Terms of Settlement:
- $4,498 general damages

Ethnic/ National Origin/ Employment

Aleem Ibrahim v. Dartmouth Volkswagen

Kenneth D. Crawford, Q.C. - chair
complaint upheld

Date of Complaint - November 9, 1998
Date of Decision - August 20, 2002

The Board found that Dartmouth Volkswagen discriminated against Ibrahim because of his East Indian national and/or ethnic origin, and that his national and/or ethnic origin was a factor in Dartmouth Volkswagen dismissing him.

Award:
- General damages of $3,000
- Special damages for lost income of $3,400

Sexual Harassment/ Employment

Kimberley Sheehan v. Dany LeBrasseur, Pe Tse Keung, Lin S. Keung, Causeway Bay 20 Co. Ltd., Club Victory and Lin S. Keung Co. Limited

Gilles Deveau - Chair
Settled prior to hearing

Date of Complaint - April 18, 2000
Date of Decision - August 22, 2002

Sheehan alleged that she was sexually harassed by LeBrasseur and Pe Tse Keung and that Lin S. Keung failed to address this when she complained. She alleged that she was terminated as a retaliation for complaining.

Terms of Settlement:
- $3,000 general damages

Sex/ Employment

Brenda Daniels v. Annapolis Valley Regional School Board

Susan M. Ashley - Chair
complaint upheld

Date of Complaint - May 24, 2000
Date of Decision - September 17, 2002

The Board found that Daniels was discriminated against because of her sex when she was not interviewed for a position as a maintenance foreman for which she was qualified.

Order:
- $5,000 general damages
- Sensitivity training for School Board staff.
- Policy review.

Mental Disability/ Perceived Disability/ Employment/ Liability

Robert A. Pinner v. K. Burrill's Supermarket Limited and/or Ken Burrill

Peter D. Nathanson - Chair
complaint upheld

Date of Complaint - September 16, 2000
Date of Decision - December 23, 2002

The Board found that Pinner was discriminated against because of his mental disability when he was terminated from his employment as meat manager after he was admitted to a hospital mental health unit after a marriage breakdown. The Board found that the evidence supported that the respondents perceived that Pinner had a mental disability, whether or not he did have a disability. The Board declined to dismiss

the complaint against Burrill as an individual, finding that the protection of the "corporate veil" was inconsistent with the purposes of the *Human Rights Act*.

Order:

- Special damages of three months pay.
- General damages of $2,000
- Pre-Judgement interest on above

Physical Disability/ Employment/ estoppal/ res judicata/ Jurisdiction

Cyril D. Kaiser v. Dural, a Division of Multibond Inc.

Richard L. Evans - Chair
ruling on preliminary application - complaint dismissed

Date of Complaint - November 26, 1999
Date of Decision - January 15, 2003

Kaiser was terminated by Durabond in May 1999. He made a human rights complaint, alleging discrimination on the basis of a physical disability (a heart condition) and a civil action alleging wrongful dismissal. The civil action proceeded to trial and in October 2001 Kaiser was awarded $49,000. The respondents appealed this unsuccessfully. The respondents argued that Kaiser was therefore estopped from proceeding at the Board of Inquiry.

The Board found that discrimination was raised in Kaiser's civil Statement of Claim. The Board found that the trial judge considered the reasons for Kaiser's termination and found that there were issues of competence but that they did not warrant termination. Therefore the trial judge implicitly rejected Kaiser's claim of discrimination.
The Board concluded that the same issue as in the complaint had already been heard and decided and that the appealed judicial decision was final. Although the complaint before the Board had an additional party, the NSHRC, in this case was not seeking a remedy beyond general damages and an apology for Kaiser. Kaiser had already received damages and it was not in the public interest to proceed with a hearing simply to obtain an apology. The Board rejected the NSHRC's argument that a Board of Inquiry has exclusive jurisdiction over discrimination, and found that courts can consider issues of discrimination in the employment law context.

Sexual Harassment/ Employment

Mary Illsley v. Ultramar Services Inc. (Gould's Ultramar) and/or Douglas Kenny

J. Royden Trainor, Chair
complaint against Ultramar Services Inc. settled prior to hearing
complaint against Douglas Kenny dismissed

Date of Complaint - May 3, 1999
Date of Decision - January 23, 2003

Illsley alleged that she was sexually harassed by Kenny and that Ultramar Services failed to deal with this effectively when she complained. The Board found that the evidence did not support the complaint against Kenny.

Terms of Settlement with Ultramar:

- $3,000 general damages.
- $200 for legal advice re: settlement

Systemic discrimination

In keeping with the overall objectives of the *Act* the NSHRC attempts to identify at as early a stage as possible any indications that a complaint or potential complaint of discrimination arose because of systemic problems.

Systemic problems can arise in any organization and may lie hidden for a long period of time. Systemic discrimination in an organization can come about because a rule or policy which appears to be neutral adversely affects an individual or group of individuals with a characteristic protected by the *Act*. An example of such a rule or policy might be height or weight restrictions which would adversely affect women but which are not essential to do a particular job.

The early identification and resolution of systemic discrimination problems tends to produce more wide ranging, more effective, longer term solutions than can be achieved by addressing individual complaints of discrimination one at a time. A system wide solution to an allegation of discrimination can be advantageous to organizations from an operational business perspective as it will tend to reduce, if not eliminate, a source of possible future complaints.

Information is displayed during Human Rights Day.

The Race Relations and Affirmative Action Division (RR & AA) helps large and small companies, organizations, and government departments create a more inclusive society by providing services to create an inclusive society through:

- education on human rights through training, public events, publications, and ongoing work with standing committees
- advice to organizations on preventing and addressing complaints of discrimination and assistance with the development and implementation of more inclusive policies and practices
- alternative dispute resolution, such as mediation, to help organizations resolve complaints of discrimination

The RR & AA division is led by Viki Samuels.

Definitions

Race Relations: the way people of all racial groups interact. It refers to the patterns and the quality of the interactions.

Affirmative Action: a way to remedy systemic, or institutional, discrimination. Affirmative Action allows organizations to address barriers that are faced, in particular, by persons with disabilities, racial minorities, women, and Aboriginal people.

Systemic discrimination: patterns of inequality that are the result of intentional and unintentional discrimination. In a workplace, for example, certain groups of people may be unfairly excluded because of long-established procedures for recruiting, hiring, and promoting employees. Systemic discrimination is reinforced when the exclusion of particular groups leads people to believe that, in fact, such people cannot do the job.

Systemic discrimination also comes from attitudes rooted in class, political, and social structures that reflect racism, sexism, ableism, etc. These attitudes often reflect stereotypes. Stereotyping occurs when people treat individuals in a particular way based on a fixed image they hold of the group in which the individual belongs (eg. all homeless people are alcoholics). When people are not aware they hold and act on such beliefs they are engaging in unconscious stereotyping.

Affirmative Action

Affirmative Action programs work to address systemic discrimination in the workplace and in organizations that provide services (like a clothing store), and facilities (like a health club), and accommodation (like a rental apartment).

The RR & AA Division supports positive actions designed to bring about institutional change through such activities as:

- acting as a consultant to help government, private sector, and community organizations develop Affirmative Action policies, practices, and procedures. The Division may help an employer develop written polices to establish fair recruiting, training, and promoting procedures
- monitoring the progress of organizations putting Affirmative Action plans in place
- helping companies develop more inclusive policies and practices to benefit all employees, such as implementing a flex-time policy

Joanna Mirsky and Aaron Weeter perform at the first Day of Reflection.

- helping organizations develop strategies to ensure they promote their services to a wide range of people
- providing support to organizations that are taking steps to make their facilities more accessible
- helping volunteer organizations find ways to attract more volunteers from the four target groups: persons with disabilities, racial minorities, women, and Aboriginal people.

Most organizations and workplaces in Nova Scotia fall under provincial jurisdiction. For these organizations, Affirmative Action is a voluntary program. In the area of employment affirmative action initiatives may also be called Employment Equity.

During the period of this Report, the Division worked with The Affirmative Action Committees in Truro, and with the Cape Breton Regional Municipality to renew their Affirmative Action Agreements. We also initiated a project to develop an Affirmative Action Policy with the Maritime School of Social Work.

Training/presentations

The RR & AA Division offers training and workshops on several issues such as race relations, sexual harassment, sexual orientation, affirmative action and the Nova Scotia *Human Rights Act*. These sessions, have a high degree of interaction among participants and facilitators and include issues involving intentional, unintentional and systemic discrimination. They challenge the participants to explore their own values, beliefs and biases around human rights issues in a safe environment.

Training is often an integral part of an organization's approach to preventing discrimination and creating an inclusive organization. Requests for training continued to increase throughout this reporting period. During the 2002 - 2003 fiscal year alone 28 training sessions were conducted by NSHRC staff.

To help recover the NSHRC's costs for providing training, it introduced a fee-for-service. We now offer training at competitive rates and for free to not-for-profit organizations.

Community Partnerships

The NSHRC also sponsors two committees which promote partnerships with community and business representatives. These committees provide an opportunity to engage in an open dialogue on human rights issues and to inspire people to take action against inequality.

Partners Against Racism (PAR)

The Partners Against Racism Committee is a collection of many community groups and government agencies committed to promoting human rights in the province. The PAR Committee organizes two public events each year: Human Rights Day, December 10th, marking the anniversary of the Universal Declaration of Human Rights; and the March 21st Harmony Brunch which commemorates International Day for the Elimination of Racial Discrimination.

Human Rights Day 2001

The theme of Human Rights Day 2001 was Common Threads of Fear: A Dialogue for Peace. A panel discussion focused on the backlash experienced by different groups during times of crisis and throughout history, including following the terrorist attacks of September 11, 2001. "We have to learn about each other and unlearn what we think we know about each other," stated Patricia Doyle Bedwell, a panelist and the director of the Programme for Indigenous Blacks and Mi'kmaq at Dalhousie University. Other panelists

included: Rabbi David Ellis of the Atlantic Jewish Council, Saleem Ahmed, vice president of the Islamic Association of the Maritime Provinces and Irvine Carvery, president of the Africville Genealogical Society. A Human Rights Award was presented to the Cole Harbour Community Radio Society to recognize its work to eliminate racial discrimination in local communities and to bridge the diverse communities that make up Cole Harbour High School.

In recognition of the International Year of Volunteers, volunteer awards were presented to Rabbi Mendel and Bassie Feldman, directors of the Chabad-Lubavitch of the Maritimes Outreach Organization for the help they provided to Jewish airline passengers diverted to Halifax as a result of the September 11 attacks. Volunteer awards were also given to the Emergency Measures Organization of Nova Scotia and the Halifax Regional Emergency Measures Organization on behalf of all Nova Scotians who assisted diverted airline passengers.

In Digby, Human Rights Day was held at Digby Regional High School with students choosing the theme, *We All Look The Same in The Dark*. A panel discussion included Rev. Darlene Young of the Safe Harbour Metropolitan Community Church, Sherry Pictou, chief of Bear River First Nations and Claredon Robicheau, chair of the Clare Organization for Rehabilitation of the Disabled. Each panelist spoke of their personal experiences with discrimination. A number of dignitaries spoke including Michael Baker, Minister responsible for the administration of the Nova Scotia *Human Rights Act* and Mayann Francis, Director and CEO of the NSHRC. During the event, students of Digby Regional High School performed skits and musical performances related to human rights issues.

The theme of Human Rights Day 2002 was *Beyond the Boundaries: Bullying, Human Rights and the Community*. Dr. Wanda Thomas Bernard, director of the Maritime School of Social Work, provided the keynote speech about racism and violence. Following was a presentation of Human Rights Awards to the 14 Days in December Resource Committee and the Lesbian Gay and Bisexual Youth Project. A diverse panel of youth also met to discuss bullying and was followed by a working group session to discuss solutions to address bullying.

In Sydney, Human Rights Day was marked by an event at the Cedar's Club. During the event the Tom Miller Award, sponsored by the Cape Breton Regional Municipality Affirmative Action Committee, was presented to Thelma Nobrega, a staff member with the Cape Breton Black Employment Office.

International Day for the Elimination of Racial Discrimination, March 21

"Our goal is to create dialogue," said Mayann Francis, Director &CEO of the NSHRC. "Our hope is that people will come away from these events energized and motivated to take action to stop racism."

During the 2002 Harmony Brunch in Halifax, Human Rights Awards were presented to Juan Carlos Canales-Leyton for his work in the area of multi-culturalism and race relations and to Lee Cohen for his work in immigration and human rights.

In Digby, commemorations were held at Digby Regional High School on King Street. The theme for the day was *Open Minds for a Better Today and a Brighter Tomorrow*, with the keynote address delivered by Constable Glen Bonvie, an African Nova Scotian member of the RCMP.

Commissioner Delbert Muise extends greetings on International Day for the Elimination of Racial Discrimination.

In Sydney, a harmony brunch was held at the University College of Cape Breton. Remarks were given by David Onyalo of the Canadian Labour Congress on the World Conference Against Racism held in Durban, South Africa in 2001.

On March 21, 2003, the eighth annual Harmony Brunch in Halifax commemorated International Day for the Elimination of Racial Discrimination. The theme was *Racism: Past Present and Future*. A panel discussion involved youth and elders representing Aboriginal, Jewish, Lebanese and African Nova Scotian communities. The keynote address, entitled *The African Presence in Nova Scotia: the Untold Story*, was presented by Dr. Sylvia Hamilton, film maker and holder of the Nancy's Chair in Women's Studies at Mount Saint Vincent University. A Human Rights Award was presented to the Multicultural Association of Nova Scotia's Youth Against Racism.

"For me, March 21st is about the ability of individuals to collectively create change and transformation. It is an opportunity to pause and to reflect, to look at where we are right now on these issues and to continue to develop the necessary long-term strategies to make the change that we desire for a more just society. But we have to think about this every day, not just March 21st." These comments by Dr. Sylvia Hamilton effectively characterize the importance of such events as the Harmony Brunch.

In Sydney, the 4th annual Harmony Brunch was held at University College of Cape Breton. The keynote speaker at the event was Lynn Crawford, who was on secondment from her teaching post as Race Relations Officer of the Victoria Regional School Board.

In Digby the March 21st event was held at Windsor Regional High School with Holocaust survivor, Philip Riteman giving the keynote address. The Digby office worked closely with Kaye Johnson, RCH Coordinator with the Annapolis Valley Regional School Board to plan the event.

Community Advocates for Rights with Responsibilities (CARR)

CARR is a partnership of parents, professionals, community groups, and government agencies. Their work provides information, encourages debate, and takes action around racism, sexism, and homophobia, particularly regarding violence and hate. CARR's activities include:

- encouraging public debate about publications, video games, TV, and the Internet
- monitoring publications and broadcasts, particularly those aimed at youth, and holding publishers and distributors accountable for their publications
- working with staff of publications to ensure they are aware of the impact of their message
- organizing conferences and other forums to look at hate in our culture
- working with local organizations to organize events that promote racial harmony and collaborative action

The CARR Committee developed a video to address how the media and advertising promotes sexism, racism, homophobia, and violence. This presentation was made to high school students in metro Halifax and to Riverview High school students in Sydney, Cape Breton.

On July 17, 2001 the NSHRC hosted a presentation and luncheon at the Westin Nova Scotian Hotel featuring diversity strategist and consultant, Trevor Wilson. Mr. Wilson discussed how Nova Scotian businesses can capitalize on the province's diverse and changing population. The event was supported by Crossley Carpet Mills.

Viki Samuels, Coordinator, attended a conference - Promoting Dialogue, Creating Change held in Toronto November 21 - 23, 2002. The purpose of the conference was to discuss equity and diversity in the legal profession.

What is the Future For Human Rights in Nova Scotia?

February 1, 2001

The future of human rights in Nova Scotia was the topic of a day long forum hosted by the NSHRC at the Westin Hotel in Halifax. The second annual forum was part of the NSHRC's strategy for moving into the 21st century. At the heart of that strategy is the goal of making the province a centre of excellence in the field of human rights.

Three panel discussions gave participants different ways to formulate their answers to overarching question posed by the forum. The first, moderated by Senator Donald Oliver, brought an international perspective to the table through the comments and discussion of Senator Raynell Andreychuk, retired senator Ron Ghitter, Dr. Roland Chrisjohn of St. Thomas University and Jonathan Davies of the Nova Scotia Department of Justice.

A panel of experts representing youth, the media, business, unions, the legal profession and academia answered questions about the future role of the commission. Panelists offered and debated various recommendations, but agreed that education, already an important role for the commission, is the key to its future work.

The third panel was composed of executive directors of the P.E.I. and Nova Scotia human rights commissions who responded to a presentation by Chris Finding, manager of media and investigation at the B.C. Human Rights Commission. Mr. Finding talked about how the Supreme Court of Canada's Blencoe decision affected the work of his agency.

September 11: What Does it Mean for Each of Us?

February 4, 2002

Racism, immigration, civil liberties and security were the subjects of the NSHRC's third annual Public Forum Sept. 11: What Does it Mean For Each of Us? The session examined each of these areas in the context of the aftermath of the terrorist attacks on the United States.

Organized in co- operation with Lester Pearson International at Dalhousie University, the forum continued the NSHRC's commitment to promote discussion of important human rights issues among Nova Scotians.

A panel moderated by Denis Stairs, McCulloch Professor in Political Science, Dalhousie University, contemplated the impact of post-September 11th legislation affecting immigration and security matters.

Panelists included: Robin Arthur, editor, Touch Base; Lee Cohen, immigration lawyer; Lynwood Peters, The Confederacy of Mainland Mi'kmaq; S/Sgt. Bob Purcell, special advisor for Criminal Operations, RCMP; Viki Samuels, co-ordinator of Race Relations and Affirmative Action, Nova Scotia Human Rights Commission; Mary-Woo Sims, former chief commissioner, British Columbia Human Rights Commission; and Walter Thompson, lawyer and civil libertarian.

The Spirit of Community

November 9, 2001

The NSHRC proclaimed Friday, November 9, 2001 a Day of Reflection on the Spirit of Community. The proclamation was signed by Her Honour Myra Freeman, Lieutenant Governor of Nova Scotia, during an interfaith breakfast at Province House in Halifax.

"Our goal in proclaiming this special day is to promote the values of inclusion, racial harmony and community," said Mayann Francis, Director of CEO of the NSHRC.

Part of the commission's mandate is to be proactive in the areas of public education and outreach to increase awareness of human rights in the province. The commission is always concerned about expressions of hatred which may be based on stereotypes of certain groups. Concern about this issue has been heightened following the tragic events of September 11, 2001 in the United States.

At the interfaith breakfast, members of various faith communities spoke briefly about what the concept of community meant in their faith tradition. Remarks were also offered by Hon. Michael Baker, Minister Responsible for the Human Rights Act, on behalf of the premier; Ms. Francis; and James Dewar, Chair of the NSHRC.

Hope, Peace and Community

November 5, 2002

The NSHRC proclaimed its second Day of Reflection, focusing on the theme of Hope, Peace and Community. The proclamation was made by the Honourable John Hamm, Premier of Nova Scotia, at an interfaith breakfast at Province House in Halifax. In proclaiming the day, Premier John Hamm said that the world is facing a period of uncertainty. "What could be more appropriate at this time than to focus on thoughts which can strengthen us in times of uncertainty – hope, peace and community," said the premier.

Hon. John Hamm, Premier of Nova Scotia, and Mayann Francis, Director and CEO, NSHRC.

Members of various faith communities spoke briefly at the breakfast about what hope, peace and community meant from their perspective. Commission chair James Dewar thanked them for caring about their communities. "The thoughts we have shared this morning can have a powerful impact on the lives of other Nova Scotians we meet in the coming days and weeks," Mr. Dewar told the assembled faith leaders.

Mayann Francis, Director and CEO of the NSHRC, drew a link between supportive and inclusive communities and the well-being of all Nova Scotians. "These communities are strong economically and spiritually and better able to promote health, education and achievement for their citizens," she said.

Well-known Nova Scotia singer-songwriter Terry Kelly performed two songs at the breakfast.

April 1, 2001 to March 31, 2002

April 26, 2001	Panelist, Senior University Women Administrators of Canada (SUWAC) Conference, Delta Halifax, Halifax, Nova Scotia
May 2, 2001	Remarks, YMCA Workplace Diversity Agreement/Affirmation Action Policy Signing, Harbourside, Holiday Inn, Dartmouth, Nova Scotia
May 19, 2001	Remarks, Service of Remembrance for the Late Beverly Mascoll, Toronto, Ontario
May 30, 2001	Remarks, Memorial Service - Beverly S. Mascoll, Toronto Centre for the Arts, Toronto, Ontario
July 17, 2001	Introductory Remarks, Diversity Work Presentation and Luncheon with Trevor Wilson, Westin Nova Scotian Hotel, Halifax, Nova Scotia
October 15, 2001	Introduction & Closing Remarks: Half-Day Workshop with Trevor Wilson, Delta Halifax, Halifax, Nova Scotia
November 9, 2001	Remarks, Day of Reflection Interfaith Breakfast, Red Chamber, Province House, Halifax
November 13, 2001	Remarks, Cape Breton Regional Council of Churches: "The Spirit of Community", St. Theresa's Church, Sydney, Nova Scotia
November 26, 2001	Presentation to Senate Committee on Human Rights (with James Dewar, Chairperson, N.S.H.R.C.), East Block, Parliament Hill, Ottawa, Ontario
December 10, 2001	Keynote Address, International Human Rights Day, Digby Regional High School, Digby, Nova Scotia.
February 3, 2002	Guest Speaker, Youth Speaks Up Luncheon, Delta Hotel, Sydney, Nova Scotia
February 4, 2002	Opening Remarks, Sept. 11: What Does it Mean For Each of Us?, Weldon Law School, Dalhousie University, Halifax, Nova Scotia

April 1, 2002 to March 31, 2003

May 16, 2002	Guest Speaker, Annual General Meeting of the Nova Scotia Council on Multicultural Health, Halifax, Nova Scotia
May 27, 2002	Keynote Speaker, 2002 National Conference of the Canadian Association of Police Educators, Lord Nelson Hotel, Halifax, Nova Scotia.
June 7, 2002	Lecture, Masters of Pubic Administration Program, Faculty of Management, Dalhousie University, Halifax, Nova Scotia.

September 6, 2002	Keynote Speaker, Convention of Atlantic Baptists, Racism Working Group, Regal Road United Baptist Church, Dartmouth, Nova Scotia
October 3, 2002	Luncheon Speaker, Pictou County Chamber of Commerce, Heather Hotel, New Glasgow, Nova Scotia
October 7, 2002	Welcoming Remarks, Human Rights in Education Conference, Westin Hotel, Halifax, Nova Scotia
November 5, 2002	Remarks, Day of Reflection Interfaith Breakfast, Red Chamber, Province House, Halifax, Nova Scotia
November 28, 2002	Remarks, Eaton Lecture, Centre of Canadian Studies, Queen's University, "Human Rights Codes: Are They Ready for Today's Challenges?", Belfast, Northern Ireland.
December 10, 2002	Remarks, International Human Rights Day, Sportsplex, Dartmouth, Nova Scotia.
January 14, 2003	Opening Remarks, Trevor Wilson Workshop, Citadel Inn, Halifax, Nova Scotia.
January 30, 2003	Remarks, Convention of Atlantic Baptists, Econo Lodge, Bedford, Nova Scotia.
February 23, 2003	Sermon, "Facing Fear Through Faith", St. John's United Church, Halifax, Nova Scotia
March 13, 2003	Remarks, Memorandum of Understanding Signing Ceremony, Deafness Advocacy Association of Nova Scotia, Red Room, Province House, Halifax, Nova Scotia
March 16, 2003	Sermon, "The Faith Castle", Trinity United Church, Sydney, Nova Scotia
March 18, 2003	Remarks, Canadian Federation of University Women, Cape Breton Chapter, Sydney, Nova Scotia
March 19, 2003	Remarks, Proclamation Signing for International Day for the Elimination of Racial Discrimination, Shipyard Elementary School, Sydney, Nova Scotia
March 21, 2003	Welcoming Remarks for Keynote Speaker, 5th Annual Harmony Breakfast, International Day for the Elimination of Racial Discrimination, Pier 21, Halifax, Nova Scotia

Formal Complaint Statistics 2001-02

Accommodation

	Carried Over Previous - Fiscal Year	New Current Fiscal Year	Resolved Current Fiscal Year	Withdrawn- . /Abandoned Current Year	BOI - Current Year	Active To be Carried Over
Aboriginal Origin						
Age						
Association						
Ethnic/National Origin						
Family Status						
Irrational Fear						
Marital Status						
Mental Disability						
Physical Disability						
Political						
Pregnancy						
Race/Colour						
Religion/Creed						
Retaliation						
Sex (Gender)						
Sexual Harassment						
Sexual Orientation						
Source of Income	1	1				2
Totals	1	1				2

Formal Complaint Statistics 2001-02

Employment

	Carried Over Previous - Fiscal Year	New Current Fiscal Year	Resolved Current Fiscal Year	Withdrawn- . /Abandoned Current Year	BOI - Current Year	Active To be Carried Over
Aboriginal Origin		1				1
Age	1	7				8
Association						
Ethnic/National Origin		1				1
Family Status		2				2
Irrational Fear						
Marital Status		3				3
Mental Disability		7				7
Physical Disability		21				21
Political		1				1
Pregnancy		3				3
Race/Colour	1	20				21
Religion/Creed		2				2
Retaliation		2				2
Sex (Gender)	1	11				12
Sexual Harassment		5	1			4
Sexual Orientation		4				4
Source of Income						
Totals	3	90	-1			92

Formal Complaint Statistics 2001-02

Purchase/Sale of Property

	Carried Over Previous - Fiscal Year	New Current Fiscal Year	Resolved Current Fiscal Year	Withdrawn- . /Abandoned Current Year	BOI - Current Year	Active To be Carried Over
Aboriginal Origin						
Age						
Association						
Ethnic/National Origin		1				1
Family Status						
Irrational Fear						
Marital Status						
Mental Disability						
Physical Disability						
Political						
Pregnancy						
Race/Colour		1				1
Religion/Creed						
Retaliation						
Sex (Gender)						
Sexual Harassment						
Sexual Orientation						
Source of Income						
Totals		2				2

Formal Complaint Statistics 2001-02

Services

	Carried Over Previous - Fiscal Year	New Current Fiscal Year	Resolved Current Fiscal Year	Withdrawn- . /Abandoned Current Year	BOI - Current Year	Active To be Carried Over
Aboriginal Origin	1					1
Age						
Association		1				1
Ethnic/National Origin						
Family Status						
Irrational Fear						
Marital Status						
Mental Disability						
Physical Disability		6				6
Political						
Pregnancy						
Race/Colour	4	4				8
Religion/Creed						
Retaliation						
Sex (Gender)						
Sexual Harassment						
Sexual Orientation						
Source of Income						
Totals	5	11				16

Formal Complaint Statistics 2001-02

All Areas

	Carried Over Previous - Fiscal Year	New Current Fiscal Year	Resolved Current Fiscal Year	Withdrawn- . /Abandoned Current Year	BOI - Current Year	Active To be Carried Over
Aboriginal Origin	1	1				2
Age	1	7				8
Association		1				1
Ethnic/National Origin		2				2
Family Status		2				2
Irrational Fear						
Marital Status		3				3
Mental Disability		7				7
Physical Disability		27				27
Political		1				1
Pregnancy		3				3
Race/Colour	5	25				30
Religion/Creed		2				2
Retaliation		2				2
Sex (Gender)	1	11				12
Sexual Harassment		5		-1		4
Sexual Orientation		4				4
Source of Income	1	1				2
Totals	9	104		-1		112

Formal Complaint Statistics 2002-03

Accommodation

	Carried Over Previous - Fiscal Year	New Current Fiscal Year	Resolved Current Fiscal Year	Withdrawn- . /Abandoned Current Year	BOI - Current Year	Active To be Carried Over
Aboriginal Origin						
Age						
Association						
Ethnic/National Origin						
Family Status						
Irrational Fear						
Marital Status						
Mental Disability						
Physical Disability						
Political						
Pregnancy						
Race/Colour	1					1
Religion/Creed						
Retaliation						
Sex (Gender)						
Sexual Harassment						
Sexual Orientation						
Source of Income	2		-1			1
Totals	3		-1			2

Formal Complaint Statistics 2002-03

Employment

	Carried Over Previous - Fiscal Year	New Current Fiscal Year	Resolved Current Fiscal Year	Withdrawn- . /Abandoned Current Year	BOI - Current Year	Active To be Carried Over
Aboriginal Origin	1					1
Age	8	2	-2	-2		6
Association						
Ethnic/National Origin	1	2	-2	-1		0
Family Status	2					2
Irrational Fear						
Marital Status	3	3	-1	-1		4
Mental Disability	7	4	-2	-4		5
Physical Disability	21	26	-11	-11		25
Political	1					1
Pregnancy	3	6	-1	-4		4
Race/Colour	21	11	-5	-12		15
Religion/Creed	2					2
Retaliation	2					2
Sex (Gender)	12	16		-7		21
Sexual Harassment	4	8		-2		10
Sexual Orientation	4	1	-1	-1		3
Source of Income						
Totals	92	79	-25	-45		101

Formal Complaint Statistics 2002-03

Purchase/Sale of Property

	Carried Over Previous - Fiscal Year	New Current Fiscal Year	Resolved Current Fiscal Year	Withdrawn- . /Abandoned Current Year	BOI - Current Year	Active To be Carried Over
Aboriginal Origin						
Age						
Association						
Ethnic/National Origin	1					1
Family Status						
Irrational Fear						
Marital Status						
Mental Disability						
Physical Disability						
Political						
Pregnancy						
Race/Colour	1					1
Religion/Creed						
Retaliation						
Sex (Gender)						
Sexual Harassment						
Sexual Orientation						
Source of Income						
Totals	2					2

Formal Complaint Statistics 2002-03

Services

	Carried Over Previous - Fiscal Year	New Current Fiscal Year	Resolved Current Fiscal Year	Withdrawn- . /Abandoned Current Year	BOI - Current Year	Active To be Carried Over
Aboriginal Origin	1					1
Age		1	-1			
Association	1					1
Ethnic/National Origin						
Family Status	1					1
Irrational Fear						
Marital Status						
Mental Disability		1				1
Physical Disability	6		-3			3
Political						
Pregnancy						
Race/Colour	4	5	-1	-3		5
Religion/Creed						
Retaliation						
Sex (Gender)						
Sexual Harassment						
Sexual Orientation						
Source of Income						
Totals	13	7	-5	-3		12

Formal Complaint Statistics 2002-03

All Areas

	Carried Over Previous - Fiscal Year	New Current Fiscal Year	Resolved Current Fiscal Year	Withdrawn- . /Abandoned Current Year	BOI - Current Year	Active To be Carried Over
Aboriginal Origin	2					2
Age	6	3	-3	-2		4
Association	1					1
Ethnic/National Origin	2	2	-2	-1		1
Family Status	2					2
Irrational Fear	0					0
Marital Status	3	3	-1	-1		4
Mental Disability	7	5	-2	-4		6
Physical Disability	27	26	-14	-11		28
Political	1					1
Pregnancy	3	6	-1	-4		4
Race/Colour	27	16	-6	-15		22
Religion/Creed	2					2
Retaliation	2					2
Sex (Gender)	12	16		-7		21
Sexual Harassment	4	8		-2		10
Sexual Orientation	4	1	-1	-1		3
Source of Income	2		-1			1
Totals	107	86	-31	-48		114

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